



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

February 28, 2023

**BY ECF**

The Honorable Richard J. Sullivan  
United States Circuit Judge  
United States Court of Appeals for the Second Circuit  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St., Room 2530  
New York, New York 10007

**Re: *United States v. Richard Marrero*, 11 Cr. 752 (RJS)**

Dear Judge Sullivan:

The Government writes to apprise the court of developments in the above-captioned matter.

On February 21, 2023, Defendant Richard Marrero was charged by complaint in a new criminal case with one count of bank robbery in violation of 18 U.S.C. § 2113(a). *See U.S. v. Richard Marrero*, 23 Mag. 1374. The complaint, attached hereto as Exhibit A, alleges that on or about February 6, 2023, the defendant committed a bank robbery in the Bronx, New York. On February 22, 2023, the defendant was arrested and presented before United States Magistrate Judge Valerie Figueredo, at which point he consented to detention. The defendant has been in the custody of the U.S. Marshals Service since February 22, 2023.

The defendant remains on supervised release following his 2014 conviction in the above-captioned case. On February 24, 2023, the United States Probation Office submitted to the Court a supervised release violation petition and proposed arrest warrant relating to the conduct alleged in the Government's complaint in Case No. 23 Mag. 1374. Your Honor issued an arrest warrant for the supervised release violation the same day.

The parties are currently engaged in discussions regarding a pre-indictment disposition in the newly filed criminal case. The Government proposes that it advise the Court as to the status of those discussions by March 28, 2023, and that the Court then schedule a conference relating to the defendant's violation of supervised release. The Government expects that allowing the parties at least 30 days to discuss a resolution of the new criminal charge will aid the Court in determining

how to proceed with the supervised release allegations. The Government has conferred with Alain Messina, the defendant's newly appointed counsel, who concurs in this request.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

By: /s/ William C. Kinder  
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cc (by ECF & Email):

Alain Messina, Esq. (Counsel for Defendant in Case No. 23 Mag. 1374)  
Steven Kenneth Frankel, Esq. (Counsel for Defendant in Case No. 11 Cr. 752 (RJS))

The government's request is GRANTED. Accordingly, it is  
HEREBY ORDERED THAT the government will provide a status  
update to the Court no later than March 28, 2023.

SO ORDERED.

Dated: March 1, 2023  
New York, New York



Hon. Richard J. Sullivan  
United States Circuit Judge  
Sitting by Designation